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Michael Walzer

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Grasping Michael Walzer's standing as a just war thinker presents real difficulties. He is, on most people's reckoning, the single most influential just war thinker of the last hundred years; theologians might look to Paul Ramsey, historians of the tradition to James Turner Johnson, but, for political theorists and philosophers, scholars of international relations, military educators and the general reader, Walzer's *Just and Unjust Wars* is the single most important modern work in the field (Johnson, 1975 & 1981: Ramsey, 1968: Walzer, 1977/2015, Nardin *et al*, 1997). First published in the immediate aftermath of the Vietnam War in 1977, it has never been out of print, nor has it required revision – the five editions of the book have different prefaces or afterwords addressing the issues of the day, but the text itself remains unchanged, still relevant, a genuine classic in the full sense of the term. So, where is the problem? It lies in the fact that, set in the context of the tradition, he is not, in any considered sense of the term, a just war thinker at all. From a historical point of view, the just war tradition is Christian, specifically Catholic, while Walzer is a secular Jew, a political philosopher whose democratic socialist beliefs have few points of contact with Augustine, Aquinas and their successors and, as a result, whose account of the just war ignores, or sometimes actually rejects, many features of the tradition. His approach to the tradition is *à la carte* – he takes from it what he needs, what makes sense to him, and leaves the rest. Whence the aforementioned difficulty. In the twenty-first century, just war thinkers can generally be divided into 'traditionalists' whose work follows on from Aquinas, Augustine *et al*, or 'revisionists', whose arguments conform to the norms of analytical philosophy; Walzer falls

into neither camp – he is *sui generis*, a law unto himself, and yet more influential than all the other just war thinkers put together. To explore this paradox, we need to place *Just and Unjust War* in the context of its times, and Walzer's life.

Texts and Contexts

Born in 1935 in New York City, Walzer was educated at Brandeis University, Cambridge, UK, and Harvard, where he was awarded his PhD in 1961 for a thesis, subsequently published as *The Revolution of the Saints: A Study in the Origins of Revolutionary Politics* (1965). This was an examination of the thought of seventeenth century Puritanism in England; it highlighted an interest in the theme of religion and politics which persists to the present day, as witnessed by his work on the *Jewish Political Traditions* (2000, 2003), and by his most recent book, *The Paradox of Liberation: Secular Revolutions and Religious Counterrevolutions* (2015). But as well as writing and thinking as a political philosopher, Walzer was in the 1950s and 60s, and is now, a political activist, a participant in the politics of the democratic left in the United States, a contributor to, and, for thirty years until recently, a co-editor of the democratic socialist journal *Dissent*. To participate in American politics in the 1960s necessarily involved adopting a position on the Vietnam War; Walzer, by then a teacher at first Princeton and then Harvard was, predictably, an active member of the anti-war movement, and his academic focus shifted as a result of this engagement. The first product of this shift was his collection of essays, *Obligations: Essays on Disobedience, War and Citizenship* (1970), but by far the most substantial work this new engagement stimulated was the aforementioned *Just and Unjust Wars* which appeared in 1977 after the end of the war, and drew from that conflict only a few of the many practical examples of moral dilemmas in

war which make it such an attractive read, but which is clearly still steeped in the politics of the era.

Part 1 of *Just and Unjust Wars* focuses on the moral reality of war, arguing against realism. Walzer's opposition to the Vietnam War quite naturally ruled out the adoption of a political realist, Clausewitzian understanding of war as simply an act of policy, with no particular moral freight attached to the choice of violence. For Walzer, the default setting is that to wage war is to commit a crime. However, unlike many members of the anti-war movement, he did not adopt a pacifist stance, opposing all wars, nor did he espouse the ultra-radical position of supporting only wars of national liberation. The dedication of the book, drawn from the Pillar of Heroism at *Yad Vashem* Memorial in Jerusalem signals his belief in the legitimacy of the Allied cause in World War II; equally, he supported Israel's action in the Seven Days War of 1967, which he understood as a war of self-defence, albeit one begun by an, in his view justified, pre-emptive strike. These commitments ruled out both the pacifist and the ultra-radical position and suggest that there are circumstances under which the waging of war is not criminal. His goal is to find a philosophically defensible way of distinguishing those circumstances where inter-state violence might be legitimate and those where it would not be; within the Western canon of political philosophy it is the just war tradition that attempts to make this distinction, and this is where he found part – though only part – of the inspiration for *Just and Unjust Wars*.

It is fair to say that prior to Walzer's book, the Just War tradition had been understood largely in Christian, more specifically Roman Catholic, terms, with the most important authorities being St Augustine and the Medieval Schoolman St Thomas Aquinas, thinkers whose work is examined in depth elsewhere in this volume. Aquinas, in particular, systematised the

doctrine, arguing that God intended us to live together in peace with justice and without violence, but that violence might sometimes be necessary to right a wrong and thereby restore the peace which had been broken by injustice (Finnis, 1996). For a war to be just (in fact, just is not really the right term here, 'justified' fits the situation better) a number of criteria need to be met – there should be a just cause, a wrong that must be righted, those who wage war should do so with right intention, war should only be declared by a proper public authority, as a last resort, the violence employed should be proportional to the offence, the innocent should be protected, and there should be a reasonable prospect that violence would make things better rather than worse. These last four criteria (last resort, proportionality, protection of the innocent, prospect of victory) it should be noted, were derived by Aquinas from the 'golden rule' ('do unto others as you would be done by') that governs moral conduct in general, rather than from any features of moral reasoning specific to war – strictly speaking, it is the first three criteria (just cause, right intention and right authority) that address what is distinctive about war.

In the deep tradition of medieval moral philosophy, these criteria were to be understood as a package that could not be disaggregated; all must be satisfied for a war to be considered 'just', although this was not a 'box-ticking' exercise, but rather one that called for the exercise of different kinds of judgement – not for nothing was Aquinas an Aristotelian as well as a Christian, and Aristotle's *phronesis*, practical judgement, was central to his thinking. However, within the later tradition, and with the rise of the modern state, the canonical criteria were gradually separated into two categories, recently characterised as *ius ad bellam* and *ius in bello*, which dealt respectively with the justice of resort to war, and with right conduct in war. This latter distinction provided the framework for Walzer's book – on his account *ius ad bellam* becomes the theory of aggression derived from the 'legalist

paradigm’ described in Part 2, and *ius in bello* becomes the ‘war convention’ set out in Part 3. To complete the story, Part 4 explores ‘Dilemmas of War’ focusing *inter alia* on ‘supreme emergency’ (on which see below) and nuclear deterrence, while Part 5 straddles both *ius ad bellam* and *ius in bello* considerations by exploring the question of responsibility, as applied to both political leaders, commanders and ordinary soldiers.

Tents and Controversies

Ius ad bellam is presented in terms of a theory of aggression. The ‘legalist paradigm’ governs here – it is based on the proposition that there exists a society of states whose members possess political sovereignty and territorial integrity; attacks on the latter are acts of aggression which the victim is entitled to resist, to enlist the aid of others in so doing, and later to punish the aggressor. With one or two very limited exceptions, the only ‘just cause’ that can be recognized under modern conditions is self-defence, and all members of the society of states may defend themselves from external assault on their autonomy and territory. The aforementioned exceptions concern pre-emptive war (to be distinguished carefully from preventive war) and a very restrictive doctrine of humanitarian intervention that would give outsiders the right (though not the duty) to intervene in cases of extreme human rights violations – genocide and mass enslavement are mentioned in this context.

The ‘war convention’ concerns the rights of combatants and non-combatants, *ius in bello*. On his account the justice of a war does not affect who may, or may not, be killed or how they may be killed. Soldiers should not be understood as simply individuals – they are representatives of a political community, but, nonetheless, they do have rights which govern the circumstances under which they may kill, or be killed, and the ways in which they kill or

are killed. The ‘moral equality of combatants’ implies that all combatants are legitimate targets whether fighting in a just cause or not and subject to the same limitations on the weapons that may be employed. Non-combatants should not be targets in any circumstances – though, controversially, he does allow in Part 4 that a ‘supreme emergency’ might justify waiving this rule if thereby a greater moral disaster can be avoided. Thus, for example, the bombing campaign against German cities in World War II might have been justified had this been the only way to prevent the disaster of a Nazi victory – although he argues that it was not, and the campaign was therefore illegitimate.

The subtitle of *Just and Unjust Wars* is ‘A moral argument with historical illustrations’ and in Parts 3, 4 and 5 Walzer offers a wide range of such historical illustrations, covering such matters as non-combatant immunity and military necessity, sieges and blockades, guerrilla war, terrorism, reprisals and war crimes. One of the attractive features of the book is the way in which Walzer is determined at every stage to anchor his moral arguments in real-world situations, whether drawn from the siege of Jerusalem in 72 AD, submarine warfare in World War I or the rules of engagement for American forces in Vietnam. Walzer has expressed elsewhere his impatience and dissatisfaction with the kind of political theory that involves the ‘playful extension of hypothetical cases, moving farther and farther away from the world we all lived in’ and the way in which he develops the arguments in *Just and Unjust Wars* exemplifies his determination to remain at all times focused on real people and real issues (Walzer, 2003). It is perhaps misleading to describe the many cases he examines as ‘illustrations’ – the historical examples he employs do not simply *illustrate* his arguments, they actually *are* the way in which he argues. In any event, the present author can testify that the mini-case studies Walzer offers make the book immensely attractive to students at all

levels, and It is not implausible to argue that part of the longevity of the book rests on its sheer readability and utility as a teaching text as well as on the depth of its argument.

The positions Walzer adopts on aggression and the rule of war are broadly compatible with, the contemporary legal regime governing the use of force in international relations. The UN Charter recognises self-defence as the only legitimate use of force (although only until the Security Council has taken the measures necessary to ensure international peace and security, Article 51). Walzer's willingness to allow for intervention in the case of mass enslavement and genocide corresponds to various anti-slavery conventions, and the Genocide Convention of 1948. As far as the War Convention is concerned, the Law of Armed Conflict (also known as International Humanitarian Law), that is, the Geneva and Hague Treaties and the accompanying Protocols, is clear that the same rules of war apply to all combatants, and the same protections to all non-combatants.

One area where Walzer departs from the modern legal regime is with respect to 'supreme emergency', which is not recognised by lawyers as a legitimate basis for suspending the rules of war. Indeed, it is not simply lawyers who find disturbing the notion that supreme emergency can provide a 'get out of jail' card. The problem lies in the difficulty of deciding which emergencies are supreme and which are, as it were, normal – most would probably agree that a potential victory for Nazism would qualify as a supreme emergency, but some might argue that any defeat in war could be seen in the same terms, with the result that the qualifications that Walzer wishes to attach to the term go by the board. Still, one suspects that most actual decision-makers have in the back of their minds the thought that some such provision may be necessary *in extremis*. Walzer's thinking on this subject is akin to the position laid out in his essay on 'Political Action: The Problem of Dirty Hands' (1973,

anthologized in *Thinking Politically*, 2007) where he argues that there are times when, all things considered, it can be right to do something that is morally wrong – a position that applies to a range of situations, from the supreme emergencies discussed in *Just and Unjust Wars* to the dubious tactics employed in the so-called War on Terror. In an interview in 2003, in the context of the post 9/11 debates on torture, Walzer comments on the issue of dirty hands: '[But] extreme cases make bad law. Yes, I would do whatever was necessary to extract information in the ticking bomb case– that is, I would make the same argument after 9/11 that I made 30 years before. But I don't want to generalize from cases like that; I don't want to rewrite the rule against torture to incorporate this exception. Rules are rules, and exceptions are exceptions. I want political leaders to accept the rule, to understand its reasons, even to internalize it. I also want them to be smart enough to know when to break it. And finally, because they believe in the rule, I want them to feel guilty about breaking it – which is the only guarantee they can offer us that they won't break it too often.' (Walzer, 2003) As with supreme emergency, his thinking on this subject probably corresponds to the intuitions of most political leaders, albeit that they less rarely acknowledge the essential proviso that those who dirty their hands in this way must acknowledge that they have done so and bear the guilt that attaches to their acts.

Returning to the more general point, Walzer's position could be seen as a defence of the current legal framework governing the use of force – but it departs radically from what had previously been understood to be the just war tradition. In the tradition, a 'just cause' is understood in general terms as righting a wrong, and is certainly not restricted to self-defence. The right to defend oneself is an important feature of the aforementioned 'golden rule', and the tradition is not hostile to the notion, but while self-defence may be *a* just cause it is not generally understood to be the *only* just cause. Again, 'right intention', the notion that

what is important is not just doing the right thing, but doing it for the right reason, is crucial in the tradition but plays no part in Walzer's account – for Walzer, a just war is a response to a crime, and the state of mind of the respondent is relevant only in so far as if it is inappropriate it may prejudice or distort his or her actions. The medieval concern with the state of the soul of the individual, crucial to Aquinas, plays no part in Walzer's thinking, understandably enough, given his relentlessly secular approach to the just war. The criterion of 'right authority' poses many interesting questions in the modern age – for example, does the UN Security Council alone possess the authority to legitimate force? Or can we simply accept the state as the appropriate authority? – but is barely touched upon by Walzer; as with right intention, his legalism points him away from the tradition and towards an examination of authority in terms of command responsibility. And finally, with respect to the War Convention, the moral equality of combatants central to Walzer's account, is a principle that the tradition would not recognise; wrongdoers do not, could not, have the same moral standing as those who would reverse a wrong – although admittedly medieval thinkers saw the assignment of right and wrong as ultimately a matter for God, unlike modern analytical philosophers who are confident that they themselves can do the job (McMahan, 2009). Having said all that, it should perhaps also be noted that Walzer's opposition to the notion of nuclear deterrence, as set out in chapter 17 of *Just and Unjust Wars* is based on reasoning that is much closer to the tradition than the defence of deterrence offered by the theologian Paul Ramsey (on whom see Chapter 'x' of this volume). Walzer argues that deterrence may be a necessary strategy – c.f. a 'supreme emergency' – but it is morally unacceptable and alternatives should be sought; in an illuminating aside he remarks 'supreme emergency is never a stable position' (p. 282).

Legacies and Enduring Relevance.

Put all this together and it is easy to see why Walzer's legacy as a just war thinker is so complex. Although he uses the term 'just war' to describe what he is doing, in practice the secular, legalistic version of the just war that he presents bears little relation to the way the tradition has understood the term. The driving force of his analysis actually lies elsewhere, in his account of the rights of the individual and of the political community. His focus on self-defence stems from the belief that in defending the right of political communities to resist aggression, he is actually defending the rights of the individuals who make up these communities – political communities are worth defending because of the shared understandings and common life they promote, and, crucially, this may be true even if their institutions of government are non-democratic. Autonomy is to be valued in its own terms, and not simply if it leads to democratic self-government. As Walzer puts in,

The moral standing of any particular state depends on the reality of the common life it protects and the extent to which the sacrifices required by that protection are willingly accepted and thought worthwhile. If no common life exists, or if the state doesn't defend the common life that does exist, its own defence may have no moral justification. (Walzer, 1977/2015; 54).

This is why his thinking leads to only a very limited doctrine of humanitarian intervention, in contrast to the willingness of many just war theorists to embrace much more radical ideas (Johnson, 2005). As a social democrat, Walzer naturally hopes that communities will choose democracy, but outsiders are obliged to assume that whatever form of government exists reflects the wishes of the people concerned; even if pro-democracy movements are suppressed, as long as the society has not collapsed into civil war and insurrection it has to be presumed that there is a 'fit' between government and people. Short of such a collapse, the only real circumstances in which outsiders would be entitled (although not obliged) to

intervene would be in the case of genocide or mass enslavement – in such circumstances the fit between governed and governors has clearly broken down, but otherwise the presumption of *international* legitimacy must hold, whatever we think of the internal politics of the country in question. This position is very clearly at odds with the wider just war tradition, and, of course, with the cosmopolitanism set out by Charles Beitz and David Luban set out in the influential collection *International Ethics* (Beitz et al, 1985). For pragmatic reasons, traditionalists and cosmopolitans may come to the same conclusion about the need to embrace anti-interventionist politics as Walzer, although they get there from very different starting points.

Would Walzer be concerned to be told that his work departed radically from the just war tradition? Almost certainly, he would not. In recent years his approach has come under attack from the so-called ‘revisionist’ just war theorists – see the chapter in this volume on Jeff McMahan – and he has responded with some force, most particularly in the Afterword to the 2015 edition of *Just and Unjust Wars*. As against McMahan’s insistence that soldiers fighting in an unjust cause lose the rights we might assign to just combatants, Walzer defends the division between *ius ad bellum* and *ius in bello*, arguing that the justice of a war should not determine the rights of combatants; his attitude to the revisionists is that their theories are divorced from the actual practice of war, a position nicely caught in a 2012 online interview with Nancy Rosenblum where he sets out the basis for his differences with them – he remarks that for the revisionists “the subject of just war theory is just war theory [whereas] I think the subject matter of just war theory is war” (Rosenblum, 2012). This is, I think, an answer that he would give with equal force to critics who uphold the traditionalist account of just war. In fact, as an answer, it is actually more effective when given to traditionalists as opposed to revisionists. *Pace* his focus on war rather than theory, the way in which he sets up the

argument does depend quite heavily on a theory of rights, which leaves him vulnerable to those, such as the revisionists, who also begin with rights, but offer a different version of the theoretical relationship between the individual and the community. Interestingly, this point was picked up in one of the first reviews of *Just and Unjust Wars*, by Richard Wasserstrom in the *Harvard Law Review* (Wasserstrom, 1978). Wasserstrom suggests, rather harshly, that Walzer's presents an 'uninspiring, constricted theory of individual rights' (p. 542), and that a more fully worked out account of the rights of individuals would undermine his position that, extreme oppression aside, states are entitled to defend their political sovereignty even when non-democratic. Whether this criticism is justified or not is a matter that individual readers of Walzer's book will form their own opinions on, but it is worth noting that his position does oblige him to fight a war on two fronts – on the one hand, with those who are unhappy with the idea of basing a conception of the just war on the notion of individual rights, and, on the other, with those who are happy to take this step but offer a different conception of rights.

Walzer is a political philosopher who since producing *Just and Unjust Wars* has written on a great many topics, such as, the nature of justice (Walzer, 1983), the nature of moral argumentation and social criticism (Walzer, 1987, 1995a), what it means to be an American (Walzer, 1992, 2003) and the Jewish political tradition (Walzer et al, 2000, 2003), but while he has never abandoned an interest in war, he has equally not felt it necessary to address the subject at anything like the length he did in *Just and Unjust Wars*. It is predominantly as a commentator on public affairs – which he sees as wholly consistent with the vocation of political philosophy - that he has returned to the issue of war via contributions to *Dissent* and other radical and liberal journals, the most important of which are anthologised in two collections, *Arguing About War* (2004) and *Thinking Politically* (2007). In the process he has modified somewhat the positions he adopted in his earlier writings. In a *Dissent* essay of

1995, 'The Politics of Rescue' (anthologized in *Arguing about War*), written in response to the events of the immediate Post-Cold War era, he widens the range of situations in which intervention might be justifiable, and anticipates a longer engagement with post-intervention politics than was envisaged in his earlier work. His earlier position involved returning control to local populations as soon as possible after an intervention, but he now recognizes that such a policy may simply lead to a replication of the circumstances that led to intervention in the first place.

Still, his essential position remains anti-interventionist, and he maintained this stance even in the aftermath of 9/11, although he supported the US intervention in Afghanistan in 2001 as an example of self-defence, and joined with Just War theorists Jean Bethke Elshtain and James Turner Johnson in signing the Manifesto 'What We are Fighting For' (Elshtain, 2003). This latter was directed against those elements on the left in the United States who were inclined to blame American foreign policy for the attacks on New York and Washington and Walzer re-iterated his resistance to this argument in an interview in 2003, identifying himself as in opposition to the Bush Administration, but criticising 'the idiocy of many of my fellow oppositionists: knee-jerk anti-Americanism, old left dogmatism, and the rejection of any fellowship larger than the sect of the politically correct and the morally pure'. (Walzer, 2003) Still, he parted company with Elshtain and Johnson over the Iraq War, and, in general, in his opposition to regime change as a motive for intervention. On similar grounds he opposed the NATO-led intervention in Libya in 2011, thus confirming that he still operates a quite restrictive understanding of when 'rescue' is appropriate – although it should be said that many people who were surprised by his opposition at the time, including the present author, now feel that subsequent events have vindicated his caution (Walzer, 2011). More recently, his refusal to see action against the so-called Islamic State in Syria as justifiable in

accordance with just war criteria is striking, especially since the leading just war revisionist, Jeff McMahan has come out in favour of action (Walzer, 2015; McMahan, 2015). Walzer's argument here is that there is no reasonable prospect of success and therefore military action cannot be justified. This position follows on from a series of articles Walzer has written in *Dissent* over the last five years, in which his position on intervention has shifted, from an initial stance against 'a half-assed intervention' (Walzer, 2012)), via a defence of Obama's 'dithering over Syria (Walzer, 2013a), to an admission that US intervention earlier in the conflict could not, in fact, have made things worse and might have made things better (Walzer, 2013b). These short blog posts are actually very revealing about the way in Walzer thinks about war and justice; some at least of the classic just war criteria lurk in the background of his arguments – last resort, proportionality, a reasonable prospect of success – but the foreground is always a kind of principled pragmatism, an engagement with the facts, a willingness to change his mind when the circumstances demand it. As against the dogmatism of some just warriors of both traditionalist and revisionist disposition, Walzer might well deploy the formulation attributed, probably wrongly, to John Maynard Keynes – 'When the facts change, I change my mind. What do you do sir?'

Walzer's distaste for an approach to political theory that relies on high levels of abstraction and fanciful hypothetical examples has been noted above, and adherents of that kind of theory have often responded in kind, as witnessed by some of the essays collected in *Pluralism, Justice and Equality* (Walzer & Miller, 1995). In another context, a master of abstract political theory – Jon Elster – once referred to Walzer as 'a phenomenologist of the moral life' (Elster, 1992, 14). This was not, I think, intended as a compliment, but it seems to me to encapsulate perfectly Walzer's project over the last sixty years, and to point us towards understanding why *Just and Unjust Wars* continues to be a source of inspiration for scholars

and students. His concern always is with how life is actually lived – in this case, with how and why wars are actually fought. He brings out the moral dilemmas of war with a clarity that few other contemporary writers have achieved, and encourages us to use our wits to think about those dilemmas; he employs some of the concepts made available to him by the just war tradition, but is never afraid to discard parts of the tradition, or adapt other parts to make them more amenable to contemporary conditions. In a world where new forms of warfare abound – asymmetric, hybrid, cyber – this flexibility is obviously called for, but it is crucially important that it be accompanied by a moral compass that will tell us if we are straying into dangerous ground. It is because he possesses such a compass that Walzer's work remains relevant and his commentaries on current affairs, international and domestic, have such force. He may or may not be a 'just war thinker' in the full sense of the term, but he certainly is the most accomplished moral phenomenologist of war of our age.

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